

## REMARKS

No new matter is believed to be added by the claims. Accordingly, entry of the above amendment is respectfully requested. A marked-up version of the changes made to the specification and claims by the current Amendment is provided herewith. This attachment is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

With respect to the claims, it is noted that the "polymeric" body limitation has been removed from each of claims 1 and 8; it is not included in rewritten claims 9, 11, 14 and 17 either. Instead, the subject matter is included in new dependent claims 20-25. Such action is believed appropriate and of no relevance to patentability of these claims in view of the Examiner's treatment of the limitation. In other words, the Examiner does not seem to have considered providing a polymeric body as a distinguishing feature of what was claimed. This belief is based upon the Examiner's treatment of the "polymeric" limitation(s) in rejecting claims 1-6 and 8 and 10 for which it was asserted that substituting polymeric material as taught in Brief for that in Gentile or Santilli, *et al.* would have been obvious to one with ordinary skill in the art.<sup>1</sup>

In addition, Applicants submit herewith a terminal disclaimer accounting for U.S. Patent No. 6,283,912 to expedite issuance in handling the double patenting issues asserted by the Examiner and any that may be raised by this Amendment.<sup>2</sup>

### Rejections under 35 U.S.C. § 103 of claims 1-6.

As amended, claim 1 includes the subject matter of claim 7 that Applicants believe the Examiner indicated was allowable. Accordingly, claims 1-6 should be in condition for allowance.<sup>3</sup>

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<sup>1</sup> Note, however, that Applicants do not agree with this position as there are reasons contrary to the substitution (for instance, in view of differing material strength properties and the high-force applications retractor blades are subject to).

<sup>2</sup> This submission is not, however, intended as an acquiescence to the Examiner's position regarding such matters.

<sup>3</sup> Applicants do, however, reserve the right to pursue claims like original claims 1-6 and make no acquiescence to the Examiner's position by this Amendment.

Rejections under 35 U.S.C. §103 of claims 8 and 10.

As amended, claim 8 includes the subject matter of claim 16 that Applicants believe the Examiner indicated was allowable. Accordingly, claim 8 and claim 10, dependent therefrom, are believed to be in condition for allowance.<sup>4</sup>

Allowable Subject Matter

Claims 7, 9 and 11-19 were indicated to be allowable if rewritten in independent form including limitations of the base claim and any intervening claims. As discussed above, the subject matter of claims 7 and 16 has been incorporated into claims 1 and 8, respectively. Claims 9, 11, 14 and 17 have been rewritten as independent claims to put them in condition for allowance as well. Claims 12, 13, 15, 18 and 19 depend from these claim. Hence, they are also believed to be in allowable condition.

Applicants note that in rewriting the claims in this manner, that the claims have not been narrowed from their previous scope since all the limitations now expressly set forth were previously implicit to the claims before.

**IN CLOSING**

In view of the above, the application is believed to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 833-7778.

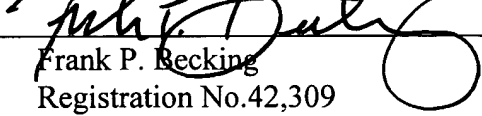
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<sup>4</sup> Applicants do, however, reserve the right to pursue claims like original claims 8 and 10 and make no acquiescence to the Examiner's position by this Amendment. Particularly, it is noted by Applicant that the spring spaces referenced by the Examiner in rejecting claim 10 are not believed to be properly characterized as "open slots."

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815. However, the Commissioner is not authorized to charge the issue fee.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 3/13/02

By:   
Frank P. Becking  
Registration No. 42,309

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400; Facsimile: (650) 327-3231

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION**

On page 1, line 2, the following new paragraph is inserted:

(New) This application is a continuation of Application Serial No. 09/305,811, pending.

The paragraph beginning on page 29, line 3 has been amended as follows:

(Amended) Suture lock 80 may be biased towards the locked position, preferably using a small spring between the suture lock and the recess 75. In a preferred embodiment, a piece of resilient closed cell foam [85] 89 is fixed to body 83 to provide the desired biasing effect. Free end 84 may optionally have a number of teeth or ridges 82 to ensure acceptable traction against the suture material.

**IN THE CLAIMS**

1. (Amended) A surgical retractor blade for attaching to a drive mechanism, said retractor blade comprising a [polymeric] body having a first end, a second end, a channel adapted to engage one side of an incision in a patient, said first end having a first cavity adapted to received a support member extending from said drive mechanism, and a second cavity adapted to receive a second support member extending from said drive mechanism.

8. (Amended) A surgical retractor blade for attaching to a drive mechanism, said retractor blade comprising a [polymeric] body having a first end, a second end, and a channel adapted to engage one side of an incision in a patient, and a curved rail extending along at least a portion of said [polymeric] body.

9. (Amended) [The surgical retractor blade of claim 8] A surgical retractor blade for attaching to a drive mechanism, said retractor blade comprising a body having a first end, a second end, a channel adapted to engage one side of an incision in a patient, and a rail extending along at least a portion of said body, wherein said rail has a top portion and a bottom portion, said bottom portion having a narrowed

region adjacent said top portion forming first and second tabs on said top portion.

11. (Amended) [The surgical retractor blade of claim 10,] A surgical retractor blade for attaching to a drive mechanism, said retractor blade comprising a body having a first end, a second end, a channel adapted to engage one side of an incision in a patient, a rail extending along at least a portion of said body, and a plurality of open slots for receiving a suture therein, wherein said open slots have an internal wall and a suture locking member having a fixed end and a free end, said free end engaging said internal wall so as to claim a suture placed between said free ended and said internal wall.

14. (Amended) [The surgical retractor blade of claim 10,] A surgical retractor blade for attaching to a drive mechanism, said retractor blade comprising a body having a first end, a second end, a channel adapted to engage one side of an incision in a patient, a rail extending along at least a portion of said body, and a plurality of open slots for receiving a suture therein, wherein at least one of said open slots have a first slot section which bifurcates into a second slot section and a third slot section.

17. (Amended) [The surgical retractor blade of claim 8] A surgical retractor blade for attaching to a drive mechanism, said retractor blade comprising a body having a first end, a second end, a channel adapted to engage one side of an incision in a patient, and a rail extending along at least a portion of said body, wherein said first end has a cavity adapted to receive a support member extending from said drive mechanism.

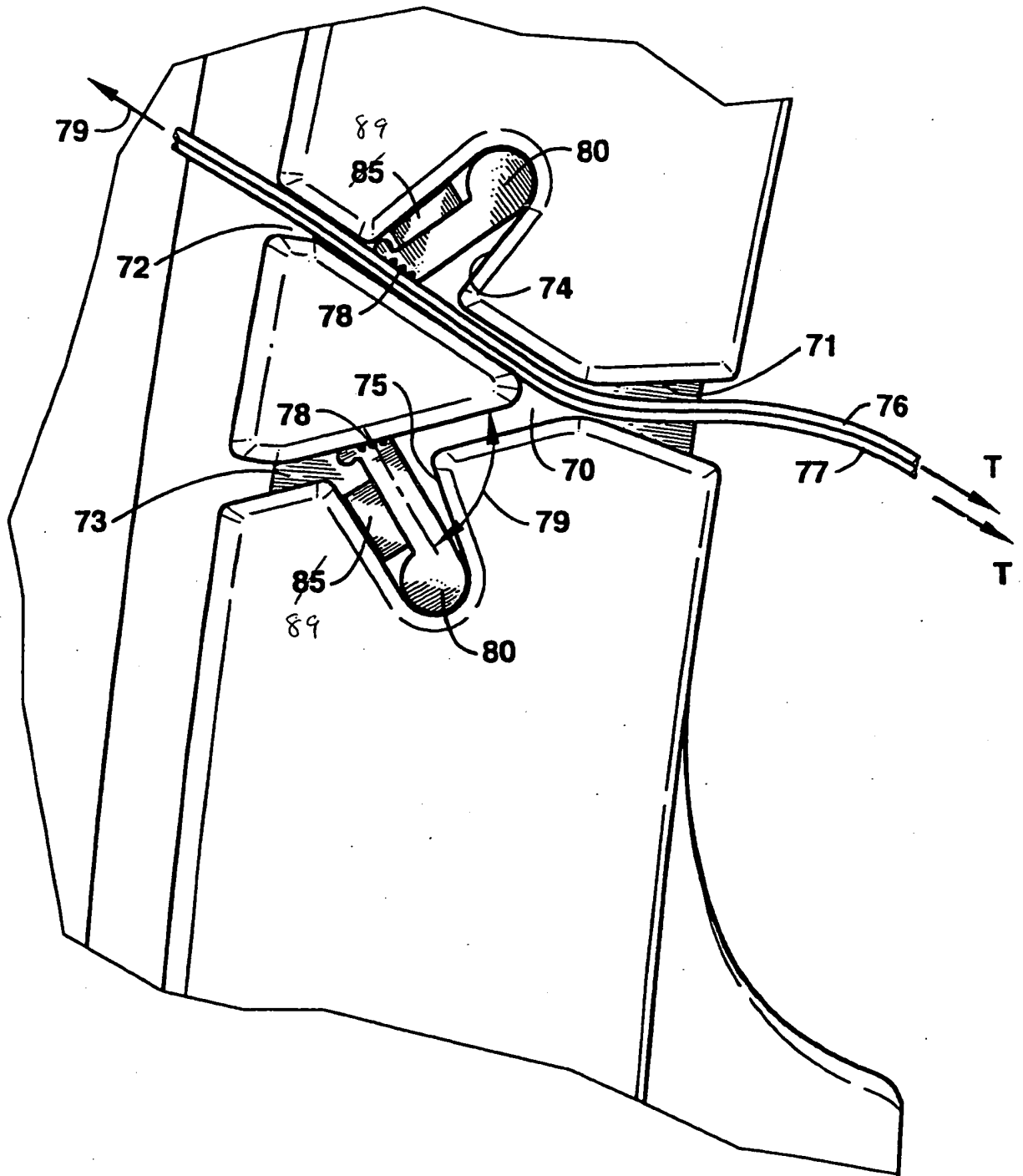


Fig. 10